

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

JESUS PEREZ-CRUZ,
Movant,

v.

UNITED STATES OF AMERICA,
Respondant.

Criminal Case No. 97-074 (DRD)

UNITED STATES RESPONSE TO REQUEST FOR RETURN OF PROPERTY

TO THE HONORABLE COURT:

COMES NOW the United States of America, by and through the undersigned attorneys, and very respectfully states and prays:

1. On January 25, 2008, Jesús Pérez-Cruz filed a motion requesting that the United States be ordered to return property seized from his person, upon his arrest on April 11, 1997, specifically an address book and Rolex watch, or in the alternative, the monetary value of the personal property.

2. The United States hereby informs this court that on November 5, 1999, the government filed a Verified Complaint for Forfeiture In Rem, Civil No. 99-2236 (SEC) on the property of Pérez-Cruz, specifically, a gold Rolex presidential men's watch with emeralds and diamonds, valued at approximately twelve thousand dollars (\$12,000.00). Notice of this action was published on January 19, 26, and February 2, 2000, in El Nuevo Dia, a newspaper of general circulation in Puerto Rico. An affidavit of publication was filed in the case attesting to the notice in El Nuevo Dia, allowing for anyone having a claim on such property to state so before the court. Notice of the actions taken was served on Pérez-Cruz on January 11, 2001, by the United States Marshal.

3. Based on the fact that no claim was filed, on January 31, 2001, Hon. Judge Salvador E. Casellas, United States District Judge, ordered that the gold Rolex presidential men's watch with emeralds and diamonds, valued at approximately twelve thousand dollars (\$12,000.00), be forfeited to the United States. (See attachment #1, Default Decree of Forfeiture).

4. With respect to the notebook that defendant Cruz-Perez makes mention of, please see the letter of the Evidence Control Technician of the Federal Bureau of Investigations that states that following established procedure with respect to the disposal of evidence once a case has been resolved, the evidence in the possession of the FBI was destroyed on January 7, 2005.

WHEREFORE, the United States of America respectfully requests the Court to take notice of the process followed by the government in the disposition of the items claimed by defendant.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 8th day of February, 2008.

ROSA EMILIA RODRIGUEZ VELEZ
United States Attorney

/s Jacabed Rodríguez-Coss
Jacabed Rodríguez-Coss
Assistant United States Attorney

CERTIFICATE OF SERVICE

I hereby certify that today, February 8, 2008, I filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification to such filing.

/s Jacabed Rodríguez-Coss
Jacabed Rodríguez-Coss
Assistant United States Attorney